

UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE UNITED STATES TRUSTEE  
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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

IN RE:	§	
	§	
FPMC SAN ANTONIO REALTY	§	CASE NO. 15-52462-CAG
PARTNERS, LP,	§	CHAPTER 11
	§	
	§	Hearing Date: Not Requested
DEBTOR.	§	

**MOTION OF THE UNITED STATES TRUSTEE TO DISMISS CASE**

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within twenty one (21) days from the date of service, the relief requested herein may be granted without a hearing being held.

A timely filed response is necessary for a hearing to be held.

TO THE HONORABLE CRAIG A. GARGOTTA  
UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, JUDY A. ROBBINS, THE UNITED STATES TRUSTEE for  
Region 7 ("UST"), through the undersigned counsel, pursuant to 11 U.S.C. § 1112 and  
respectfully moves for an order dismissing the case and represents as follows:

## **I. BACKGROUND**

1. This case was commenced upon the filing of a voluntary petition under Chapter 11 of the Bankruptcy Code on October 6, 2015. The case has not been converted from another chapter of the Bankruptcy Code.

2. The debtor's primary asset consisted of real property and improvements commonly known as the Forest Park Medical Center San Antonio (the "Property"). The UST alleges upon information and belief that the debtor's sole source of income was rents derived from the Property.

3. The UST further alleges upon information and belief that the debtor's primary secured lender foreclosed on the Property on March 1, 2016.

## **II. THIS CASE SHOULD BE DISMISSED.**

4. Under section 1112(b) of the Bankruptcy Code, the Bankruptcy Court shall dismiss a case or convert a case to chapter 7, whichever is in the best interest of the creditors and the estate, if the movant establishes cause, unless the Court finds that a chapter 11 trustee or examiner is in the best interests of the creditors and the estate or the Court finds and specifically identifies unusual circumstances that establish that conversion or dismissal of the case is not in the best interest of creditors and the estate. 11 U.S.C. § 1112(b).

5. Here, the case should be dismissed. The UST alleges upon information and belief that the debtor no longer has any source of income to fund a plan of reorganization. Without any source of income, there appears to be no reasonable likelihood of rehabilitation. Moreover, if the debtor continues in Chapter 11, it will continue to incur administrative claims such as UST quarterly fees and attorney's fees.

The substantial or continuing loss to or diminution of the estate and the absence of a reasonable likelihood of rehabilitation is cause for dismissal of this case. 11 U.S.C. § 1112(b)(4)(A).

6. The UST submits that dismissal is in the best interests of creditors. The debtor does not appear to have any other significant assets available for the payment of unsecured creditors.

7. If the case is dismissed, the UST requests that the order dismissing the case provide for payment of any quarterly fees owed to the UST. 28 U.S.C. § 1930.

WHEREFORE, the UST prays that the Court enter an order dismissing the case and for any and all further relief as is equitable and just.

Respectfully submitted,

JUDY A. ROBBINS  
UNITED STATES TRUSTEE  
REGION 7

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing MOTION OF THE UNITED STATES TRUSTEE DISMISS CASE, was served upon the parties on the attached service by United States Mail, first class, postage prepaid, and/or by electronic means for all Pacer system participants on this the 22<sup>nd</sup> of March, 2016.

/s/ James W. Rose, Jr.  
James W. Rose, Jr.  
Trial Attorney

Label Matrix for local noticing  
0542-5  
Case 15-52462-cag  
Western District of Texas  
San Antonio  
Tue Mar 22 10:41:59 CDT 2016

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